

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Gilbert Primus,

Case No. 1:12-cv-02635

Petitioner

v.

ORDER

Jason Bunting,

Respondent.

Before me is the Report and Recommendation of Magistrate Judge William Baughman, Jr., filed on May 16, 2014, recommending dismissal in part with prejudice and in part without prejudice, and denial in part, of Petitioner Gilbert Primus's action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Campbell*, 261 F.3d 628 (6th Cir. 2001). The failure to file written objections to the Magistrate Judge's report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) ("only those specific objections to the magistrate's report made to the district court will be preserved for appellate review"). Under Local Rule 72(b), the "failure to file timely objections within the fourteen (14) day period shall constitute a waiver of subsequent review, absent a showing of good cause for such failure." Loc. Civ. R. 72(b).

Magistrate Judge Baughman expressly instructed Primus that he must file any objections to the Report and Recommendation within 14 days of receiving notice. (Doc. No. 19 at 24). A copy of the Report and Recommendation was mailed to Primus on May 16, 2014, at the Marion Correctional Institution in Marion, Ohio. Primus did not mail his objections to Magistrate Baughman's Report and Recommendation until June 29, 2014; the Clerk of Court docketed Primus's brief on July 3, 2014. (Doc. No. 20 at 1).

Primus does not acknowledge he has submitted his objections outside of the time period set by federal law. Similarly, he also does not attempt to make a showing of good cause to excuse his untimely filing as permitted by the local civil rules. I conclude Primus's failure to file timely objections constitutes a waiver of de novo review of the issues covered in the Report and Recommendation. Following review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation in its entirety as the Order of the Court. Primus's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 is dismissed with prejudice as to grounds two, four, and six; dismissed without prejudice as to grounds three, five, and seven; and denied as to ground one.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge